

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013090848

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT

On September 25, 2013, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint) naming the Los Angeles Unified School District (District).

On November 22, 2013, District filed a motion to dismiss Student's issues five, six and seven, and Student's requested remedy seeking an award of monetary damages, on grounds that OAH does not have jurisdiction over claims for violations of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) (Section 504), the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (ADA), or the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), or jurisdiction to award monetary damages on those claims. Student filed no response to District's motion. OAH granted the motion on December 12, 2013.

On January 14, 2014, Student filed a motion to amend with a proposed amended complaint. Although the motion did not specify the amendments, as it should have, the attached amended complaint included additional allegations based upon information obtained after the filing of the complaint. particularly behavior service logs, and events which occurred subsequent to the filing of the complaint, including District's alleged failure to implement appropriate behavior services or disclose modifications to its behavior service plan or, conduct an appropriate assistive technology assessment. District did not oppose Student's motion to amend.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: January 21, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings